

AMENDED IN SENATE JUNE 2, 2003  
AMENDED IN ASSEMBLY FEBRUARY 25, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 116**

**Introduced by Assembly Member Nakano**

January 14, 2003

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An act to amend ~~Section 4980.01~~ of Sections 2472, 4980.01, and 4996 of, and to add Sections 1626.2 and 2904.5 to, the Business and Professions Code, relating to the healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 116, as amended, Nakano. Marriage and family therapists: telemedicine.

Existing law provides for the licensure and regulation of *dentists by the Dental Board of California, podiatrists by the California Board of Podiatric Medicine, psychologists by the Board of Psychology, marriage and family therapists by the Board of Behavioral Sciences, and clinical social workers by the Board of Behavioral Sciences*. Under existing law, the Telemedicine Development Act of 1996, a health care practitioner may deliver medical services using interactive audio, video, or data communications without person to person contact with the patient.

This bill would state that the provisions of law regulating telemedicine apply to the practice of a *dentist, a podiatrist, a psychologist, a marriage and family therapist, and a clinical social worker*.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. *Section 1626.2 is added to the Business and*  
2 *Professions Code, to read:*  
3     1626.2. *A dentist licensed under this chapter is a licentiate for*  
4 *purposes of paragraph (2) of subdivision (a) of Section 805, and*  
5 *thus is a health care practitioner subject to the provisions of*  
6 *Section 2290.5 pursuant to subdivision (b) of that section.*  
7     SEC. 2. *Section 2472 of the Business and Professions Code is*  
8 *amended to read:*  
9     2472. (a) The certificate to practice podiatric medicine  
10 authorizes the holder to practice podiatric medicine.  
11     (b) As used in this chapter, “podiatric medicine” means the  
12 diagnosis, medical, surgical, mechanical, manipulative, and  
13 electrical treatment of the human foot, including the ankle and  
14 tendons that insert into the foot and the nonsurgical treatment of  
15 the muscles and tendons of the leg governing the functions of the  
16 foot.  
17     (c) No podiatrist shall do any amputation or administer an  
18 anesthetic other than local. If an anesthetic other than local is  
19 required for any procedure, the anesthetic shall be administered by  
20 another health care practitioner licensed under this division, who  
21 is authorized to administer the required anesthetic within the scope  
22 of his or her practice.  
23     (d) Surgical treatment of the ankle and tendons at the level of  
24 the ankle may be performed by a doctor of podiatric medicine who  
25 was certified by the board on and after January 1, 1984.  
26     (e) Surgical treatment by a podiatrist of the ankle and tendons  
27 at the level of the ankle shall be performed only in the following  
28 locations:  
29     (1) A licensed general acute care hospital, as defined in Section  
30 1250 of the Health and Safety Code.  
31     (2) A licensed surgical clinic, as defined in Section 1204 of the  
32 Health and Safety Code, if the podiatrist has surgical privileges,  
33 including the privilege to perform surgery on the ankle, in a  
34 general acute care hospital described in subparagraph (1) and  
35 meets all the protocols of the surgical clinic.

(3) An ambulatory surgical center that is certified to participate in the Medicare program under Title XVIII (42 U.S.C. Sec. 1395 et seq.) of the federal Social Security Act, if the podiatrist has surgical privileges, including the privilege to perform surgery on the ankle, in a general acute care hospital described in subparagraph (1) and meets all the protocols of the surgical center.

(4) A freestanding physical plant housing outpatient services of a licensed general acute care hospital, as defined in Section 1250 of the Health and Safety Code, if the podiatrist has surgical privileges, including the privilege to perform surgery on the ankle, in a general acute care hospital described in paragraph (1). For purposes of this section, a “freestanding physical plant” means any building that is not physically attached to a building where inpatient services are provided.

(f) The amendment of this section made at the 1983–84 Regular Session of the Legislature is intended to codify existing practice.

(g) *A podiatrist licensed under this chapter is a licentiate for purposes of paragraph (2) of subdivision (a) of Section 805, and thus is a health care practitioner subject to the provisions of Section 2290.5 pursuant to subdivision (b) of that section.*

*SEC. 3. Section 2904.5 is added to the Business and Professions Code, to read:*

*2904.5. A psychologist licensed under this chapter is a licentiate for purposes of paragraph (2) of subdivision (a) of Section 805, and thus is a health care practitioner subject to the provisions of Section 2290.5 pursuant to subdivision (b) of that section.*

*SEC. 4. Section 4980.01 of the Business and Professions Code is amended to read:*

4980.01. (a) Nothing in this chapter shall be construed to constrict, limit, or withdraw the Medical Practice Act, the Social Work Licensing Law, the Nursing Practice Act, or the Psychology Licensing Act.

(b) This chapter shall not apply to any priest, rabbi, or minister of the gospel of any religious denomination when performing counseling services as part of his or her pastoral or professional duties, or to any person who is admitted to practice law in the state, or who is licensed to practice medicine, when providing counseling services as part of his or her professional practice.

1 (c) This chapter shall not apply to an employee of a  
2 governmental entity or of a school, college, or university, or of an  
3 institution both nonprofit and charitable if his or her practice is  
4 performed solely under the supervision of the entity, school, or  
5 organization by which he or she is employed, and if he or she  
6 performs those functions as part of the position for which he or she  
7 is employed.

8 (d) A marriage and family therapist licensed under this chapter  
9 is a licentiate for purposes of paragraph (2) of subdivision (a) of  
10 Section 805, and thus is a health care practitioner subject to the  
11 provisions of Section 2290.5 pursuant to subdivision (b) of that  
12 section.

13 (e) Notwithstanding subdivisions (b) and (c) all persons  
14 registered as interns or licensed under this chapter shall not be  
15 exempt from this chapter or the jurisdiction of the board.

16 *SEC. 5. Section 4996 of the Business and Professions Code is*  
17 *amended to read:*

18 4996. (a) Only individuals who have received a license under  
19 this article may style themselves as “Licensed Clinical Social  
20 Workers.” Every individual who styles himself or herself or who  
21 holds himself or herself out to be a licensed clinical social worker,  
22 or who uses any words or symbols indicating or tending to indicate  
23 that he or she is a licensed clinical social worker, without holding  
24 his or her license in good standing under this article, is guilty of a  
25 misdemeanor.

26 (b) It is unlawful for any person to engage in the practice of  
27 clinical social work unless at the time of so doing such person  
28 holds a valid, unexpired, and unrevoked license under this article.

29 (c) *A clinical social worker licensed under this chapter is a*  
30 *licentiate for purposes of paragraph (2) of subdivision (a) of*  
31 *Section 805, and thus is a health care practitioner subject to the*  
32 *provisions of Section 2290.5 pursuant to subdivision (b) of that*  
33 *section.*

